



DOD FOREIGN DISCLOSURE PROGRAM

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DOD Foreign Disclosure Program

- OVERVIEW
 - Foreign Disclosure Program- what is it?
 - How DOD Handles Foreign Visitors to Defense Facilities
 - Related disciplines
 - CRADAs
 - Summary

DOD Foreign Disclosure Program



- Starts with National Disclosure Policy-1
- OSD delegates disclosure authority to Sec of Air Force (SAF) who redelegates to Major Commands, and down to field organizations
- Purpose of the program: Protect as well as Share defense technical and military information
- Also to properly handle the release of technical info that is unclassified/limited or classified to foreign nationals or governments
- Release is a government-to-government release with the Foreign Disclosure Officer (FDO) serving as the government release authority. Individuals may not disclose technical information without approval of the FDO

DOD Foreign Disclosure Program



- Examples of FDO involvement:
 - Foreign Visitors - short-term, long-term, recurring
 - DOD personnel traveling overseas - foreign travel briefing and disclosure guidance
 - Presenting a paper/briefing to foreign nationals
 - International agreements - about 1,000 in DOD
 - Requests for technical information from foreign nationals or governments-via embassies
 - Exchange scientists/Foreign Liaison Officers



DOD Foreign Disclosure Program

- The FDO becomes involved during various times in the procurement process - when there is a foreign owned/controlled firm, a foreign national working on the contract, or export control review, and to provide advice on licenses
- Special One Time releases, exceptions to NDP
- Much time is spent providing training, answering questions, advising of procedures

DOD Foreign Visits



- Foreign Visits - There are several categories:
 - Short-term: Generally 1-30 days
 - Long-term: 30 days to 1 year
 - Recurring: Visitor returns several times during one year
 - Window on Science: AFOSR sponsored program where world class foreign scientists are invited to the Labs to present material.
 - Government sponsored: Foreign visitors who are representing their government
 - Non-government sponsored: Foreign visitors who do not represent their government. Usually work at US or foreign universities or for US contractors



DOD Foreign Visits

- Exchange Scientist and Engineer Program (ESEP) - Based on an MOU; one year visit to a DOD lab. US ESEPs assigned to a foreign lab for 2 years
- AFOSR sponsored: 1-2 year programs with the National Research Council (NRC), National Science Foundation (NSF) and small contracts with foreign nationals or institutes

DOD Foreign Visits



- Procedures: An official visit request is required for foreign nationals to enter a DOD facility or military installation
- For government sponsored visitors, the embassy in WDC submits the request electronically
- For visitors not representing their government, a letter from their employer is required
- For Window on Science visits a message is received from a government office overseas
- The FDO conducts liaison with the local counterintelligence agencies and shares the paperwork - name checks are conducted on most foreign visitors



DOD Foreign Visits

- The host is contacted and the visit is discussed. Approval is determined in accordance with disclosure criteria and with high level concurrence. The FDO processes the visit paperwork
- A distinctive badge is required and the individual is escorted
- Foreign disclosure guidelines are provided to the host - level of classification, subject matter allowed, report anything suspicious



DOD Foreign Visits

- The host may be debriefed by counterintelligence personnel following the visit
- Records are kept which are reviewed by DOD inspection teams on a regular basis. Releases made to foreign nationals or governments are also reported electronically
- Bottom Line - the Foreign Disclosure Program attempts to allow for the maximum amount of international collaboration with minimal loss of sensitive technology



Related Disciplines

- The FDO works closely with the following personnel:
 - Operations Security (OPSEC)
 - Security
 - Intelligence
 - Counterintelligence
 - Contracting Officers
 - Technical Project Officers
 - Contractors

CRADAs and Foreign Nationals



- Most Cooperative Research and Development Agreements, (CRADAs) are with domestic companies and some universities, although there are a few international CRADA's in the AF and quite a number in DOD as a whole
- CRADAs must comply with US export control laws
- CRADAs are Non-Federal Acquisition Regulation (FAR) agreements but can use applicable or modified clauses
- At AFRL apparently the issue of foreign nationals working on CRADAs has not been addressed, but new instructions will be included to ensure possible sensitive or proprietary information is protected from inappropriate release
- Most data generated by CRADAs is public domain, which is available to foreign nationals, but some could contain sensitive, critical, or emerging technology information



CRADAs within AFRL

- The Air Force Research Laboratory (AFRL) has 9 Technical Directorates (TDs) throughout the US, plus the Air Force Office of Scientific Research (AFOSR)
- AFRL HQs in WPAFB, OH has advised they will disseminate to TDs additions to the model CRADA format developed by AFRL, Kirtland Technology Transfer office, to include instructions for CRADA partners to advise of foreign national participation
- They will also instruct technical personnel to mark applicable documents with a statement that identifies the intended audience but protects the data from public release



SUMMARY

- The DOD Foreign Disclosure Program is dynamic and aggressive, but allows for flexibility
- Local FDO's have significant local approval authority to expedite the process of sharing unclassified and classified data with foreign nationals
- The Foreign Disclosure Program is mission oriented while protecting sensitive and classified technical or military information
- Thousands of foreign nationals visit DOD installations each year, but must be approved.



SUMMARY

- DOD is interested in both developing and maintaining international relationships while protecting critical technology to ensure our National Security
- CRADAs are excellent methods of streamlining the R&D possibilities, but improvements are being made in two areas at the present time: requiring the contractor to inform the government of foreign nationals' participation, and requiring DOD distribution markings on Unclassified/Limited reports.